

REMARKS

1. Status of the Claims

Claims 1-3, 6-10, and 18 are pending and under active consideration in this application. Applicant respectfully requests that the remarks made herein be entered into the file history of this application.

2. Double Patenting

On pages 2 and 3 of the Office Action, the Examiner provisionally rejects claims 1-3, 6-10, and 18 on grounds of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 1-4 of copending U.S. Patent Application No. 11/440,569 (the “‘569 Application”). A nonstatutory, obviousness-type double patenting rejection can be overcome by filing a terminal disclaimer. *See* MPEP § 1490. Accordingly, Applicant submits herewith a terminal disclaimer under 37 C.F.R. § 1.321(b) using Form PTO/SB/25. The form is signed by the assignee of record of entire interest in the instantly claimed subject matter, as allowed under 37 C.F.R. § 1.132(b)(1)(iii). In view of the assignee’s terminal disclaimer, Applicant respectfully requests that the Examiner reconsider and withdraw the provisional nonstatutory obviousness-type double patenting rejection.

3. Conclusion

Applicant respectfully submits that the instant application is in good and proper order for allowance and early notification to this effect is solicited. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the instant application, the Examiner is encouraged to call the undersigned at the number listed below.

Respectfully submitted,

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